

August 24, 2016

U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics (OPPT)
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Submitted Electronically to Docket No. EPA-HQ-OPPT-2016-0401

Re: Fees for the Administration of the Toxic Substances Control Act

The Rubber Manufacturers Association (RMA) is the national trade association representing major tire manufacturers that produce tires in the United States, including Bridgestone Americas, Inc., Continental Tire the Americas, LLC; Cooper Tire & Rubber Company; The Goodyear Tire & Rubber Company; Kuhmo Tire Co., Inc.; Michelin North America, Inc.; Pirelli Tire North America; Sumitomo Rubber Industries, Ltd.; Toyo Tire Holdings of Americas Inc. and Yokohama Tire Corporation. RMA appreciates the opportunity to provide input on the fees for the administration of the Toxic Substances Control Act (TSCA).

I. RMA recommends that EPA exclude from fee requirements all of the substances included in certain exemptions under TSCA.

Section 5(h)(4) of TSCA enables EPA to exempt any substance from any pre-manufacture notice requirement upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of such substance will not create an unreasonable risk of injury to health, the environment or a potentially exposed subpopulation. Using this section, EPA has created certain exemptions under TSCA, including but not limited to, exemptions for impurities, byproducts, research and development substances, and chemicals produced incidentally. We recommend that fee requirements under TSCA provide exclusions for substances and mixtures exempt under TSCA.

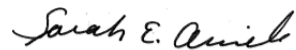
II. RMA recommends that fees imposed under Section 6 should primarily be imposed on Manufacturers.

Manufacturers have the primary responsibility for a chemical's entry into commerce in the U.S. and should be primarily responsible for fees imposed to defray the cost of a risk evaluation. Additionally, only manufacturers, not processors, can request a risk evaluation under TSCA. If EPA decides to include processors in fees for risk evaluations, RMA recommends that EPA include processors as a second tier for fees. Additionally we recommend that if the agency decides to impose fees on processors for risk evaluations, that EPA utilize a tiered approach for fees.

For example, during the development of problem formulation for high priority substances, EPA may identify certain uses of a high priority substance that do not result in a risk to human health or the environment. Adversely, EPA may also determine that a use of a substance does present a risk, and a risk evaluation is needed to assess the probability of adverse health and environmental effects in humans and ecological receptors. (See <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/how-epa-assesses-chemical-safety>). The level of effort for the agency to perform an initial screening regarding the use of a substance, versus a full risk assessment, require two levels of effort on behalf of the agency. Additional resources and time are needed to complete a full risk assessment versus an initial screening. If the agency decides to impose fees on processors for the completion of a final risk assessment, EPA should consider a reduction in fees for uses of a substance that do not require a full risk assessment and an increase in fees for uses that do require a full risk assessment.

RMA again thanks EPA for this opportunity to provide comments on the new fee requirements under TSCA as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act. Please contact me at (202) 682-4836 if you have questions or require additional information.

Respectfully Submitted,



Sarah Amick
Senior Counsel
Rubber Manufacturers Association